



WISCONSIN

DEPARTMENT OF WORKFORCE DEVELOPMENT
Division of Economic Support
Bureau of Work Support Programs

TO: **Economic Support Supervisors
Economic Support Lead Workers
Training Staff
Child Care Coordinators
W-2 Agencies**

FROM: Stephen M. Dow
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Work Programs Section

BWSP OPERATIONS MEMO

No.: 00-83

File: 1123

Date: 11/09/2000

Non W-2 ☒ W-2 ☐ CC ☐

PRIORITY: High

SUBJECT: **MINOR'S LIABILITY FOR OVERPAYMENTS**

CROSS REFERENCE: BWSP Operations Memo 99-64 & 00-47.

EFFECTIVE DATE: Immediately

PURPOSE

This memo clarifies Benefit Recovery policy for minors turning 18 during an overpayment period.

BACKGROUND

DES recently clarified that minors are never held liable for overpayments in W-2, AFDC, Medical Assistance, Child Care, or Food Stamp assistance groups (AGs) in Operations Memo 00-47. Only adult group members are liable.

To further clarify, if a minor is in an AG during an overpayment period, they are not liable even after they turn 18, as long as the overpayment period is uninterrupted. This is true for all of the assistance types listed above. Another way of stating this is "If an individual was ever a minor during an overpayment period, s/he is not liable for the overpayment."

Example: Sara is a 47 year old mother of Jenna, age 17, and both receive FS. Sara fails to report a new job to her FS worker. Two months later Jenna turns 18 and still receives FS with her mother. Several months after that, the FS worker finds out about Sara's job and completes an overpayment. Jenna is not liable because she was a minor during part of the overpayment period. Only Sara is liable.

Sara and Jenna continue to be eligible for FS, even after considering the income from Sara's job. Six months later, the worker fails to act on a reported change that Jenna received a part time job. Two months pass before the worker catches the error. For this overpayment, both Sara and Jenna are liable because both were adults during the entire overpayment period.

CARES

CARES is incorrectly considering minors liable for overpayments. A fix for this problem has been requested. In the meantime, when completing overpayments, BVCL will associate individuals to the claim. If at any time a minor or an adult that was a minor during any part of the overpayment period is associated with the claim, the individual will need to be deleted. Use the following steps to ensure no minors are assessed liability:

1. Establish the claim on BVCL and answer "N" to the "generate notice?" question.
2. Verify the appropriate individuals that are liable for the claim
3. For minors, or adults that were minors during any part of the overpayment period, delete the individual by entering a "D" in the "DC" (delete code) field and in the "RSN" field, enter "SYS" for system error.
4. Press [ENTER].
5. Return to BVCL and generate a notice by entering a "Y" in the generate notice field
6. Enter all comments for steps taken to generate claim on BVCC.

CONTACT

DES CARES & Policy Call Center Email: carpolcc@dwd.state.wi.us
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Note: Email contacts are preferred. Thank you.